

Police Powers and Responsibilities and Other Legislation Amendment Bill 2022

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Submitted by: Crime and Corruption Commission Queensland (CCC)
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Our Reference: AD-22-1138
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5 January 2023

Economics and Governance Committee
Parliament House
George Street, Brisbane
Queensland 4000

By email: egc@parliament.qld.gov.au

Dear Committee,

**RE: Submission in relation to the Police Powers and Responsibilities and
Other Legislation Amendment Bill**

Thank you for the opportunity to provide feedback in relation to the *Police Powers and Responsibilities and Other Legislation Amendment Bill 2022* (the Bill).

The Crime and Corruption Commission ('CCC') has reviewed the Bill and notes there are proposed amendments to the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* ('the Act'). These include amendments to extend reporting periods for reportable offenders (as defined under the legislation) and enable the use of controlled operations and surveillance devices to investigate noncompliance under the Act's supervisory regime.

As the Committee may be aware the CCC is currently conducting a review of the Act's operation pursuant to section 74C of the Act. In October 2022, as part of this review, the CCC released a discussion paper '*Protecting the lives of children and their sexual safety*' calling for submissions. Consultation with relevant stakeholders and other data collection and analysis continues to occur, and it is expected that the CCC will report on its review in June 2023.

The review is considering the overall effectiveness of the reporting and prohibition schemes provided under the Act. This includes an assessment of whether the statutory framework, and its practical implementation, are effective in mitigating the risks posed by offenders captured by the scheme. This necessarily includes consideration of matters such as the effectiveness of reporting obligations and the adequacy of police resources, powers and practices in administering the Act. As such,

the amendments proposed under this Bill are inextricably linked to matters being examined in the CCC's legislative review.

The evidentiary basis for these proposed amendments to the offender reporting scheme, and the police powers available to monitor compliance, is unclear.

Clause 14 of the Bill proposes an increase in the reporting periods for reportable offenders. An extension of reporting periods will necessarily mean an increase in the number of offenders with reporting obligations at any given time. This would logically have an impact on the resourcing required to supervise compliance with reporting obligations. Whether such an extension of reporting periods is likely to meaningfully increase the effectiveness of the scheme may be informed by the outcome of the CCC's review. In those circumstances the proposed amendments may be premature.

Part 3 of the Bill proposes amendments to the *Police Powers and Responsibilities Act 2000* ('PPRA') to allow for the authorisation of controlled operations and surveillance device warrants as tools to investigate non-compliance with reporting obligations under the Act. While controlled operations and the use of surveillance devices are valuable tools for the investigation of serious criminal offending, such tools also require significant resource allocation, and also raise complex policy questions. Surveillance devices involve substantial intrusions into individuals' privacy. Controlled operations allow authorised persons to engage in otherwise criminal conduct to investigate offending. Controlled operations may raise the possibility of inducing others to engage in criminal conduct where otherwise no offence would be committed. Both of these investigative tools are generally justified by reference to the seriousness of the criminal conduct for which they may be deployed.

The current review being undertaken by the CCC, as set out above, is examining whether the offender reporting scheme provided for under the Act is effective in achieving its objectives of protecting children, reducing the risk of re-offending, and facilitating the investigation and prosecution of future offences. That includes consideration of the current suite of tools available to law enforcement to prevent, detect, and investigate, offending against children. The CCC's review may identify whether these, or other tools are most appropriate to achieve the objectives of the Act. In those circumstances, these proposed amendments may also be premature.

The CCC is happy for this submission to be made public. Should you wish to discuss the matter further, or have any questions in relation to this submission, please contact Mr David Caughlin, Executive Director, Legal, Risk and Compliance on [REDACTED].

Yours sincerely



David Caughlin
Executive Director, Legal, Risk & Compliance